IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 680 OF 2006

Mahadev Gajanan Desai ... Petitioner

V/s.

Municipal Corporation of Greater... Respondent
Mumbai

Mr. Madhav Jadhav for the petitioner.
Mrs. S. Ajit Kumar for respondent No.1.
Mr. Sunil Mogre for respondent Nos. 4 & 5.

CORAM : F.I. REBELLO, J.
ANOOP V. MOHTA, J.
DATED : 21st March, 2006

P.C.

. The petitioners claim the plot with structure through respondent No. 1 who were the tenants of respondent No. 3.

2. There is development proposal under Regulation 33(7) of the Regulations framed under M.R.T.P. Act. Respondent No. 4 is the society which has been formed by the occupants. Respondent No. 5 is the developer. The respondent No. 3 has been held entitled to an area admeasuring in terms of Annexure "D". Case of the petitioner is that out of the area which was allotted to the respondent No.2, they were put in possession of an area admeasuring 348 sq.ft. Considering that the respondent No. 3 has been held

an occupant, the grievance of the petitioners at the highest would be against respondent No.3. If the petitioners are able to establish that they are the occupant of the area claimed by them then respondent Nos. 4 & 5 are duty bound to allot such area in the newly constructed building in favour of the petitioners. Considering that in our opinion as the dispute is between petitioner and respondent No. 3, this would not be a fit case for this Court to exercise its extra ordinary jurisdiction.

3. It is also submitted on behalf of the petitioners that transit accommodation has not been made available to respondent No. 3. On behalf of respondent Nos. 4 & 5, the learned counsel makes a statement that they would give transit accommodation to respondent No. 3 of an area equal to the area as set out in Annexure II to LOI. Statement accepted.

4. Considering that this is a scheme for development, it will not be fit case for this Court to grant any ad-interim relief. Hence, application rejected.

5. Petition stands disposed of accordingly.

6. All those names which are included in Annexure II are also entitled apart from rehabilitation to be provided transit accommodation.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]